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# CONSCIENCE AND LAW;

OR

A DISCUSSION

OF OUR COMPARATIVE

RESPONSIBILITY TO HUMAN AND DIVINE GOVERNMENT:

WITH

AN APPLICATION

TO THE

FUGITIVE SLAVE LAW.

BY

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## P R E F A C E.

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THE following discussion of a very important subject was originally prepared for the instruction of the congregation to which the author ministers, and is published at the solicitation of many who listened to its delivery. It treats of questions vital to the interests of every community and to the character of every Christian. Recent acts of Congress have disturbed the consciences of many good men, who are in sad perplexity as to the direction of duty. They are advocates of law and order, and friendly to the Constitution and the Union; while, at the same time, they shrink from aiding in deeds of despotism equally at war with the rights of man and the law of God. In such circumstances, it is surely the duty of Christian ministers to shed what light they can upon the ethics of civil obligations. The author has endeavored to elucidate this great subject so far as was possible in so narrow a compass. May his efforts to relieve the consciences of his brethren from a load of doubts and difficulties, meet with the approbation of the MASTER, which being secured, the applause of men is of small account, save as it may conduce to more extensive usefulness.

*Hartford. Nov. 15th, 1850.*

## CONSCIENCE AND LAW.



It was the memorable answer of the Savior to the crafty interrogation of those who sought to ensnare him respecting the lawfulness of paying tribute to the Roman government, "Render therefore unto Cæsar the things which are Cæsar's, and unto God the things that are God's." The Pharisees and Herodians had approached him in company as he was engaged in public discourse, and proposed a question which was so framed that whether an affirmative or negative response was given, offence would be taken. There were two parties among the Jews at this time, who held opposite sentiments with reference to the propriety of paying tribute to the Roman government. The Pharisees contended that Herod, who had been set over them as king by the Roman emperor, was not a legitimate sovereign according to the Mosaic law, and that therefore his authority should not be recognized by the payment of the tax levied in the name of the Roman emperor. The Herodians, on the other hand, argued that as the Jews were a conquered people, and unable to maintain a government of their own according to the original plan, it was their duty

to submit to those who were providentially in power. The advocates of these conflicting views, animated by a common hatred of the Savior, joined their forces on this occasion, in order to bring upon him popular odium. Concealing their purpose under a hypocritical mask, they commenced with flattering encomiums of his integrity and independence, by reason of which qualities they professed to believe that he would not hesitate in solving their difficulties. These were their words: "Master, we know that thou art true, and teachest the way of God in truth, neither carest thou for any man: for thou regardest not the person of men." Having made this attempt to inflate vanity and to play upon his very virtues to secure their end, they propounded in a deferential manner the all-important question: "Tell us therefore, What thinkest thou? Is it lawful to give tribute unto Cæsar, or not?" Cæsar was the name which was adopted by the emperors of Rome after the time of Julius Cæsar, as an imperial title, in the same manner that the successive monarchs of Egypt called themselves Pharaoh. They were not successful, however, in deceiving the Savior; for he instantly read their hearts, and said, "Why tempt ye me, ye hypocrites?" Without hesitation or perplexity he told them to show him the tribute money: upon which they brought him a coin called a denarius, equal in value to fourteen cents of our currency, having the head and name of the Roman emperor stamped upon it. He then inquired, "Whose is this image and superscription?" to which they re-

plied, "Cæsar's." After this declaration, the Savior uttered the words quoted above, "Render therefore unto Cæsar the things which are Cæsar's; and unto God the things that are God's." This was an answer which applied admirably to both the parties who had appealed to him. As the Pharisees, by admitting that the coin of the country was Roman, had acknowledged that they were actually subject to that power, he bids them render to the emperor and those who represented his authority, the obedience which was due to rulers, and not to think that religion exempted them from civil obligations. On the other hand he directs the Herodians, who were devoted to the interests of Herod and were mere politicians, claiming every thing for the government and making the requirements of the divine law a nullity, to remember their responsibility to God, and not to imagine that the human statute-book was paramount to the Bible. In this way Jesus utterly foiled the attack of his enemies, while he made known their duty, and that, too, in so comprehensive a manner as to leave no deficiency in his statement, no opportunity to derive from it limited, and therefore practically false views. It is my purpose, in the spirit of the Great Teacher, to discuss our *comparative responsibility to human and divine government*.

I call attention to this subject for two reasons: first, because it has an application in our own country at the present time, and if truth is ever to be presented, it is when men need it for their practical

guidance in the affairs of life; and secondly, because a difference of opinion exists with regard to the proper solution of the difficulties involved. It is written in the book of Malachi, "The priest's lips should keep knowledge, and they should seek the law at his mouth; for he is the messenger of the Lord of hosts." If this was true of the priest under the old dispensation, when comparatively little instruction was provided for the people, much more will it apply to the Christian minister, whose chief work it is to communicate knowledge upon all moral and religious duties connected with the various relations which men sustain to one another and to God. It is his duty to make the people intelligent with reference to ethical, as well as doctrinal points; and while he has no right to dictate the belief of others authoritatively, after the custom of the Romish church, he should freely express his own views, with the reasons on which they are based, that he may furnish them with the means of arriving at a correct conclusion. With respect to the subject before us, good men have differed in judgment, and although I cannot but regard the principles involved as easily explicable, and the application also, as for the most part, plain, still, I am not disposed to urge my opinions in an immodest and overbearing manner. Let us reason dispassionately, candidly, and thoroughly, desiring above all to ascertain the will of God. In order to set forth the truth in the clearest and most convincing manner, I shall state it in a series of propositions.

I. *Human government must be supported in the exercise of all its rightful functions.*—Though this position may not be questioned, still, as it is fundamental in its nature, and is the basis of subsequent reasoning, it needs to be well established. In support of it, therefore, let it be considered,

1. That civil government is a divine institution. By this, it is not meant that a particular form of it has been made obligatory by divine command, such as monarchy, oligarchy, or republicanism; and much less, that any particular person, family, or race, has a perpetual right to supreme power. What has been called the “divine right of *kings*” is utterly indefensible, both in its general doctrine and in its particular application. God has in no manner whatever declared that every nation shall be governed by a king; neither by assertion or implication in his written word, nor by the necessity of the position in which he has placed us: while many facts concur to prove that, in a certain stage of national intelligence and virtue, a monarchy is both needless and injurious. But the doctrine of the divine right of *government* is a very different matter, and teaches that all rightful civil power, whatever may be the form under which it is exercised, emanates from God. It is sometimes said by ardent republicans that the people are the source of power, and the Declaration of Independence declares that “governments derive their just power from the consent of the governed;” but such expressions, on the lips of careful thinkers, can only mean

that the legitimacy of any *form* of government, or of the rule of any *individual* sovereign, depends upon the express or implied consent of those for whose welfare the government is professedly instituted and administered. The doctrine that government rests upon a social compact, by which the individuals composing a nation agree to surrender a part of their natural liberty to secure the protection of a central power, is a mere theory, unsustained by fact, and if not originally advanced by infidels, has certainly been eagerly embraced and propagated by them, as subservient to their ends. However ingenious it may be in some of its speculations, it must be an implied, and not a historical fact, and furnishes no safe and sufficient basis for the authority of government; since it is not in the rightful power of any number of men, of their own mere will, to make a compact which shall bind me, I not consenting thereto, or even being consulted; and since even a consent on my part might afterwards be withdrawn. Such a theory leaves government without a sanction that can bind the conscience of every inhabitant. On the other hand, if we admit that government is of divine appointment, that God intended that it should be instituted, and has made it necessary for us, conferring his own authority upon it to the furtherance of its legitimate ends, we place it upon a satisfactory and immovable basis. There are three institutions of divine origin, upon the maintenance of which human welfare depends; the family, the church, and the state. These all rest upon the



same foundation, and are equally necessary and obligatory.

That this is the true view of the *state*, is evident in the first place from the nature which God has given to man, and the circumstances in which he has placed him. God has conferred upon us a social nature, and made it necessary to our highest development and happiness that we should dwell in communities. Earth was not created to be a habitation of hermits and eremites. A solitary condition was never prescribed as man's lot. Its inevitable tendency is to barbarism. The arts and sciences, education and religion, all that constitutes civilization and refinement, depend upon social life. The race owes its past progress to this cause, and in proportion as an approach has been made to individual isolation, nations and tribes have degenerated to the savage state. Thus all history, observation, and consciousness attest the fact, that our constitutional tendencies lead us to congregate in communities for the enjoyment of social intercourse, and that our highest physical, intellectual, and moral welfare, demands such an arrangement. But in order to secure these advantages, civil government is essential, on the ground of the evils inevitably arising from human ignorance and depravity. To maintain order; to define, establish, and protect inalienable rights; to repress and punish crime; and to encourage and assist industry, education, and virtue; there must be a central and presiding power, whose authority shall be acknowledged by all. God has

made civil government an indispensable condition of our existence on the earth, as an intelligent, virtuous, and happy race. It is a prime want of our nature, as plainly indicated as any other pertaining to body or mind. Instead of depending on a voluntary compact, it is essential to our existence with the faculties and in the position which God has assigned. We might as well assert that men eat and drink by reason of a social compact. God made us to live under a government, as much as to live on the earth surrounded by an atmosphere. Hence, government has the sanction of the voice of God, speaking through the very constitution of the race.

But besides this expression of his will, which has led all nations to organize themselves politically in some way, however rude, God has clearly asserted the truth for which I contend, on the pages of the Bible. The propriety, the necessity, and the authority of government, is implied and declared from the beginning to the end of the Word of God. When the race was established a second time, in the family of Noah, the precept which was given with reference to the capital punishment of murderers, was, in fact, an implication and establishment of civil authority; by which, in the name and by the direction of God, to whom all lives belong, the life of the murderer was to be taken as the due punishment of his aggravated crime. Thus men were given to understand that human government is in reality, as an institution, part of the divine government—one way in which

God seeks to control, reward, and punish mankind, according to their individual deserts. This all-important fact was further declared and illustrated, when God set up the Jewish nation, and established the theocracy, under a code of his own enactment; claiming that he was the true king, the fountain of authority, and that the various rulers of different grades were his representatives. Thus the idea of law was made sacred; God incarnating himself, as it were, in human government, to give it majesty and authority. Hence, throughout the Old Testament, rulers are declared to be the servants or executive officers of Jehovah. When we come to the doctrine of the New Testament, we find it uttering the same truth, in the most explicit form, establishing the state upon the appointment of God. Paul, when alluding to the matter in a practical way, said, "Let every soul be subject unto the higher powers; for there is no power but of God: the powers that be are ordained of God. Whosoever, therefore, resisteth the power, resisteth the ordinance of God. . . . . He is the minister of God to thee for good . . . . . he is the minister of God, a revenger to execute wrath upon him that doeth evil . . . . . for they are God's ministers, attending continually upon this very thing."

If, then, civil government be a divine institution, ordained for the promotion of human welfare in the conservation of universal rights and the encouragement of knowledge, industry, and virtue, it ought to be sustained in the exercise of all its rightful func-

tions, by which it seeks to secure its lawful and prescribed end. To rebel against it in such circumstances, to deny or oppose its authority, to evade the duties which it imposes, is to disobey God as well as man. As long as a ruler is discharging his official duties for the purposes contemplated by God in the institution of government, so long he is God's minister and representative, and should be revered and obeyed accordingly. This should be done, not from fear of the consequences of rebellion, nor from mere worldly wisdom, prudence and policy, but under a sense of moral obligation, and from a love of right. Hence Paul wrote, in the same connection before quoted, and as an inference from his previous declaration, "Wherefore ye must needs be subject not only for wrath, but also for conscience sake." The duty of obedience, and of hearty support in every appropriate form, is thus clearly deducible from the divine origin of the state.

2. This duty may likewise be inferred from the specific precepts of Scripture. Whatever may be the origin of the state, and the basis of its authority; whether the preceding views are reasonable and scriptural, or the contrary; nothing can be more plain than that for some reason, sufficient in the divine mind, we are commanded to sustain rulers in the discharge of their proper duties. What other meaning can be put upon the injunction of the Savior? "Render therefore unto Cæsar the things which are Cæsar's." Here is a distinct recognition of the fact, that some

things are properly Cæsar's; or in other words, that there are duties which we owe to the State, and to whomsoever represents it, whether emperor, king, or president in the highest office, or sheriff, constable or taxgatherer, in the lowest. Cæsar, that is the ruler for the time being, must be obeyed in all matters which are properly under his control. Paul is uniformly very explicit. "Let every soul be subject unto the higher powers. Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honor to whom honor." To Titus he wrote with reference to his duty to those who attended upon his ministry, that he should do precisely what I am now attempting. "Put them in mind to be subject to principalities and powers, to obey magistrates." Peter expresses the same view. "Submit yourselves to every ordinance of man, for the Lord's sake: whether it be to the king as supreme; or unto governors as unto them that are sent by him, for the punishment of evil doers, and for the praise of them that do well. For so is the will of God, that with well doing ye may put to silence the ignorance of foolish men." Subsequently he places two duties in a very significant juxtaposition, saying, "Fear God: honor the king." In these and similar passages, reference is made to kings, not as declaring a monarchical form of government to be obligatory, but using them as representatives of the idea and fact of government, as the embodiment for the time being of the state. No candid reader of the Bible can doubt, that it strictly

enjoins obedience to magistrates in the exercise of their legitimate functions.

3. This view receives additional confirmation from the example of Christ, and the apostles. They uniformly respected civil government, and gave it their cordial support. Christ conformed to the regulation which required the Jews to contribute annually for the support of the temple, and wrought a miracle in order to furnish the money necessary to pay the quota of Peter and himself. He was careful not to infringe the laws; so that when the Jews sought to accuse him before the Roman governor, they were forced to resort to falsehood and perjury, and Pilate acquitted him of every charge, pronouncing him an innocent man. The apostles followed in his footsteps, and were ever peaceful citizens. Paul manifested the spirit and character of the whole body, when he said to Festus, "Neither against the laws of the Jews, neither against the temple, nor yet against Cæsar, have I offended anything at all . . . For if I be an offender, or have committed any thing worthy of death, I refuse not to die." Thus they practised as they preached.

4. I will only add on this point that the necessity of the case drives us to the same conclusion. No other course is left to us but the support of government in the exercise of its appropriate power, unless we prefer the horrors of anarchy. All experience proves that it is not too strong a declaration to make, that the worst government is better than none. When in consequence of rebellion, or other causes, a nation or

community has been left without the protection of law, the most frightful disorders, immoralities, and crimes have prevailed, till the people were ready to welcome even a despotism rather than continue under lawless misrule. Such is human depravity that nothing but the restraints of law prevent vast numbers from gratifying their personal wishes at the expense of the happiness and rights of their fellow-men. There is far less principle in the world than is often supposed. Custom and fear of legal consequences are much more powerful than conscience in producing current morality. Take away government, and the only law would be that of physical force and depraved cunning. Selfishness would display itself in full proportion, and the results of a violent conflict of interests would soon be apparent. Property, liberty, and life, would be destitute of all security, mutual confidence would be destroyed, society would be an impossibility, and earth would quickly become a hell. That which now holds us together as nations, and communities, and makes happiness possible, is law. This is so obvious, and its indispensability to united action is so pressingly evident, that even those who renounce allegiance to human governments, are forced to construct one for themselves. Thus among thieves, robbers, and pirates, we find regular organizations, with laws, officers, subjects, and severe penalties. Without strict regulations they could not hold together a single day. As law tends to harmony and unity, so anarchy tends to discord and separation, driving men asunder, making

them the objects of fear and suspicion to each other, and producing universal enmity. I allude to these facts in this connection, not to prove the divine origin of government, as seen in the constitution of the race, for that was discussed at the beginning; but to show that whatever may be the truth on that point, civil law must be sustained from the very necessity of the case, whether God made us, or we are the offspring of chance; whether he designed us to dwell under government, or placed us here irrespective of such a purpose. A stern, inexorable necessity is upon us to support the state in its rightful action, to obey and sustain the laws in their legitimate application. We must do it or allow all rights to be subverted, all interests to perish. The choice, so far as there is one, is between prosperity and ruin; between the liberty of virtue and the despotism of vice.

As the subject is one of great importance, permit me before proceeding to the statement and defence of two additional propositions, to draw the reader's attention for a moment, to three suggestions which grow out of the topic which has been briefly elucidated.

1. We may infer the duty of paying all customs and taxes legally imposed for the support of government. Government cannot be carried on without incurring expense. The legislative, executive, and judicial departments involve expenditures which are regular and inevitable, while numerous other branches of public service make frequent and large demands upon the treasury. If that be empty, the wheels of



state must stop. It is reasonable that those who enjoy the protection of government in life, liberty and property, should bear the pecuniary burdens of its support, which should be apportioned to individuals upon principles of justice and impartiality ; though an equitable adjustment of this matter is of practical difficulty. It belongs to the legislative functions of government to prescribe the manner in which the needful money shall be raised ; whether by duties on imports, which is the plan of our Federal government, or by direct taxation, which is the better plan, politically and morally, of our State governments. Whichever is adopted, the people should submit while it is in force, and neither forcibly resist, nor secretly evade it. The sum demanded in either way is a just debt, owed to the state for the advantages enjoyed under the protection of its laws, and should be cheerfully and promptly paid. All refusal or evasion of payment is really dishonesty and theft, proving the person to be a bad citizen, and a mean man. The Bible speaks specifically on this point, "For this cause pay ye tribute also ; for they are God's ministers, attending continually upon this very thing. Render therefore to all their dues : tribute to whom tribute is due ; custom to whom custom." The Bible therefore condemns all smuggling, by which dutiable articles of greater or less value are introduced secretly into the country without the payment of duty. This species of fraud is practised not only by merchants, but also by travelers, who think it no harm to rob the government on

a small scale. But the nature of fraud is the same on every scale, and the man who would take the lawful duty previous to its arrival at the treasury, would not hesitate to take it after its arrival, if it could be done with equal facility and security. The same is true with reference to the payment of taxes: he who would withhold a just tax, would plunder an equal sum from the treasury, if it could be done with impunity. There is a vast amount of iniquity practised, even by professors of religion, in undervaluing property to the assessors, in concealing it from their knowledge, or in transferring it nominally to other persons. No *honorable* man, to say nothing of Christian principle, will wish to escape the expenses which devolve upon him for the support of government, any more than he will wish to repudiate a debt for food or clothing; especially in this land, where taxes are comparatively light, and all are permitted to exercise political power.

2. Illegal proceedings for the punishment of alleged crime are worthy of the heaviest condemnation. Such acts have obtained the name of Lynch law. They generally occur amid extreme excitement, and are justified on the ground of the tardiness and uncertainty of the regular proceedings of the courts. But the excuse is a worthless one. It is far better that a criminal should occasionally escape deserved punishment, than that he should receive it in an illegal way, which prostrates law, and destroys all the safeguards of a community. When a gross crime has been committed, there is indeed a strong provocation to

administer summary justice to the supposed offender. But "summary proceedings" are seldom wise or right. They breathe passionate revenge rather than a spirit of justice; they are liable to punish the innocent instead of the guilty; they are usually excessive in their penalties; and they lead to the grossest abuses and the wildest disorder. To-day they bring deserved suffering upon the immoral, or the propagators of error; but to-morrow, at the bidding of prejudice or self-interest, they may be turned against the moral, and the advocates of truth. They are a virtual overthrow of law, even while pretending to inflict merited punishment, and are therefore as great an enormity as any which they seek to suppress. The very tardiness of ordinary legal procedure has its advantages as well as its evils. It allows passion to subside, favors candor and impartiality, secures thoroughness of investigation, guards with due caution the rights of the accused, and thus promotes the ends of justice. Lynch law is not the representative of the divine authority, but of human wrath; and instead of being conservative of order, is but one remove from anarchy.

3. Whoever violates wholesome law is the enemy of God and man, and also the foe of his own true interest. Law, as the embodiment of justice, is the friend and protector of all, and hence deserves universal honor and obedience. To violate it, is to strike a blow at the common welfare, and to evince a disregard of the general good. The law breaker is in such a case arrayed against the whole community;

for he has endeavored to prostrate that which constitutes its sole defence. He is therefore to be regarded and treated as a public enemy, and his evil deeds should be visited with appropriate punishment by the appointed officers. It matters not what the law may be—whether it prohibit murder or theft, gambling or the sale of liquor—if it be within the just powers of those who enacted it, the violator should be considered and dealt with as a criminal. It is astonishing how men claim to be good citizens, and are regarded as such by others, and even elevated to office, when they trample upon the just laws of the community, by the unlicensed sale of liquor and by similarly illegal practices! Such individuals, aside from the wickedness of their traffic, are actually criminals, deserving of reprobation and punishment for despising and breaking the laws of the State, and thus making war upon the welfare of the community.

Besides, whoever refuses to support government in the exercise of rightful functions, commits a suicidal act, since he weakens that which protects *him* as well as others. If *he* may violate one precept to suit *his* convenience, another man may violate a second on a similar inducement; and still another, a third; and thus the defence which is erected around his rights may be thrown down for the selfish ends of his neighbor. It is bad policy to pursue a course which would ruin him, if all others did the same; since he knows not when they may choose to avail themselves of the same liberty which he claims in his own behalf.

And then, which is worst of all, the violator of just law, arrays himself against God, and incurs the deserved penalty for opposing the divine rights and the happiness of the universe. God governs his intelligent creatures by law, which is the same in essence and spirit in all worlds and between all beings. Hence whoever sets himself against legitimate human law, is as unfit to be a subject of the divine as of human government; is as unfit for heaven as for earth. He has shown himself to be reckless of moral obligation, to be a rebel against just authority, to be a contemner of right, to be possessed of a depraved and selfish spirit which values and chooses personal gratification above the general welfare. God will therefore treat him as an enemy of the universe, and appoint his place in the prison of despair.

Let us now proceed with the main discussion, and consider a different posture of affairs from that supposed under the first proposition.

II. *As a general thing, human government must be submitted to, when it oppresses and injures us.* Here I am aware that we come upon more debateable, or at least upon more debated ground. There are those who will differ from the proposition just laid down, in opposite directions; which fact may afford some presumptive evidence, perhaps, of its essential correctness. Some will assert that the moment government transcends its lawful boundaries a single step, it loses all authority, ceases to impose the obligation of obe-

dience upon its subjects, and may be violently resisted. In what sense these words convey a truth, will hereafter be declared. Suffice it to say for the present, that they require limitation, and a careful discrimination of cases, according to principles which will be soon pointed out. Others boldly declare, that government must be obeyed in all cases, by individuals and by communities, whatever may be its requirements, and however oppressive and ruinous its demands. Thus we have the two extremes of unlimited passive obedience, and active, violent resistance, in every case of injustice. My position accords with neither; and before proceeding to argue the matter, it may be well to offer a word or two of explanation. Mark well the case supposed, since every thing depends upon a clear conception of the circumstances in which we are hypothetically called to act. It is not now asserted that the government requires any act to be put forth *by us* which is oppressive and injurious *to others*; but we are supposed to be in a passive or recipient position, and the results are such as particularly affect us as individuals, and that physically (including body and mind) rather than morally. Our rights are abridged, our privileges are curtailed, our property is seized, or our happiness is in some way impaired. The question is, What shall we do? Resist these oppressive and unjust enactments by open violence? I answer as a general thing, with exceptions to be hereafter noticed, No. If we cannot or choose not to escape from the sphere of their operation,

we must quietly submit and take the consequences. *Submit* is the word which I have chosen, not approve, or commend. We both may and should disapprove of unjust laws, whether they operate upon ourselves or others. When the government oppresses and injures us, we have a right to condemn its procedure, and to enlist the sympathies and friendly aid of our fellow-citizens. But except in certain rare instances, which need not affect the general rule, we must not offer violent resistance. If, notwithstanding our remonstrance, our prayers and our tears, the officers of law proceed to enforce its severe edicts, and to bring upon us loss and suffering, we must leave the case to God, and submit to the unrighteous exaction or infliction. Several reasons may be given for such a course.

1. It is desirable, in order to sustain a reverence for law in the community. We have already seen that law is the ligament which binds society together; that without it, men become barbarous and vicious; that upon its sanctity the welfare of all depends; and that even a very bad government is better than none. Hence it is all-important to preserve a reverence for it in the minds of the people, lest right be prostrated and anarchy prevail. The moment the authority of the government is despised, the foundation of social order and happiness is shaken; when that authority is subverted, the interests of society perish. While this is true under every government, it is especially so where republicanism exists. From the very nature of popular institutions, their safety and perpetuity depend

upon the reverence which the people shall entertain for the majesty and supremacy of law. Under a despotism or a monarchy, the government may sustain itself by the strong hand of power, by resorting to a standing army; but in a republic, where the people make the laws, and where their enforcement depends upon the popular will, they are a dead letter, unless the people have the highest regard for civil government as clothed with divine authority, and as the guardian angel of their liberties. This alone can restrain popular passion, prevent strong excitement from leading to riots and rebellion, and secure permanent and just legislation. In any case, therefore, the evils of oppression are far preferable to those of anarchy; while in a republic much may well be borne rather than by contempt of law endanger the blessings which are connected with free institutions. It is seldom that the injuries inflicted by government are equal to the advantages which it confers; so that while we may find much to condemn, there may be more to approve. Thus the law still has a hold upon us, both in its relation to us individually, and in its bearing upon the great interests of the community. Though oppressive in some of its particulars, and thus falsifying its own pretensions, it is *our* safeguard and that of *others* in its general influence, and is consequently so far our benefactor and the representative of God.\* We ought to endure great inconveniences,

\* Candor compels me to admit, that the reasoning in this passage cannot apply to fugitive slaves who are sought to be arrested



hardships, losses, and suffering, rather than by open resistance to weaken the reverence of ourselves or of our fellow-citizens towards law as the embodiment of necessary civil power.

2. Regard for the safety of our own persons and for the peace of the community, should lead us to avoid collision with such laws. Resistance on the part of individuals seldom eventuates in any thing save loss greater than that sought to be avoided. The civil authorities cannot be repulsed by our single arm, or by the combined force of a few sympathizing friends; so that opposition only entails defeat and added suffering, while it occasions scenes of strife, and perhaps of bloodshed, in a peaceful community, by which evil passions are aroused, and those who should dwell in amity are arrayed in mutual hostility. As the whole question is, in the case now supposed, one of personal inconvenience and loss, it is proper to weigh the consequences, and not to rush from one class of evils to others still more formidable, in which we shall probably involve our friends also. It is better to obey, even when we suffer wrong, than to disobey, and only increase our difficulties.

3. Something is due also by Christians to the repu-

and returned to bondage according to our unchristian laws. It would be difficult to show that they owe any thing to a government which, so far from protecting them, invades their dearest rights, and even reduces them to the condition of chattels. If they forbear violent resistance, the obligation of meek submission must be based on some other principle.

tation of religion. The spirit of sacrifice and self-denial, as it is emphatically inculcated in Scripture, so should it be eminently characteristic of the people of God. They should be willing to endure much inconvenience and suffering from unwise and unjust laws, rather than assume a position which will reflect discredit upon their profession and the cause which they hold dear. They should be known as law-abiding men up to the utmost limits of conscience. No considerations of personal expense or loss should lead Christians to adopt a course which will needlessly occasion the wicked to speak ill of religion, by placing its advocates in the attitude of resistance to government. There should be such a measure of caution and self-control as will avoid even the appearance of faction, sedition, or turbulence. It may be difficult for human nature to cherish sufficient meekness to perform acts which are a source of inconvenience, and even of pain and loss, or to submit to legal exactions which are without a shadow of justice; but grace should teach us to make joyful and tearless sacrifices for the honor of Christ. Hence Peter said, "For this is thankworthy, if a man for conscience toward God endure grief, suffering wrongfully."

4. There can be but little excuse of any kind for a refusal to obey the class of laws now under consideration, in a country which possesses a constitutional government and allows of popular legislation. In such a land, laws grossly unjust will nearly always clash with the Constitution, and will thus, on a legal trial,

be judicially pronounced null and void. The object of a Constitution is, to affirm the fundamental rights of the people collectively and as individuals, and to throw around them such safeguards as will protect them from the encroachments of the legislature and the usurpations of the executive. The judiciary is established for the express purpose of deciding whether the laws which are enacted from time to time are in conformity with the Constitution. Hence, where such institutions exist, if a law seriously interferes with our rights, it can hardly fail to clash with some constitutional provision. If this be the case, we need only dispute its authority in a legal way before the proper court, and the judge will rule that it cannot hold, being contrary to the supreme and organic law of the land. If this decision cannot be secured, or if the law complained of be simply unwise and inconvenient, an appeal lies open to the people to send such representatives to the legislative body as will modify or repeal it. These are peaceful and legitimate modes of procedure, by which we may seek protection without disturbing the public order, abating reverence for law, or doing aught to weaken the foundations of civil government. A persevering use of them can hardly fail to be crowned with success in the end.

5. It is proper here to adduce the example of the Savior, the apostles, and other good men, in support of the views presented. They practised on the principle of non-resistance and passive obedience to the acts of government which oppressed them as individu-

als. When the officers came to arrest Jesus, though he was guilty of no crime, he did not resist, but yielded himself into their hands. When Peter drew a sword against the authorities, Jesus bade him put it up, and healed the man who had been wounded, declaring that they who took the sword should perish with the sword; or in other words, that when *individuals* sought to defend their rights by physical force against government, the result would be their own ruin. This was the course also of the apostles and primitive Christians. They were grossly injured and persecuted; they were plundered, assaulted, beaten, imprisoned, and put to death; but they offered no violent resistance. When they could escape from their oppressors by flight, they did so; but if they were seized, they submitted patiently to the inflictions of their enemies. This they did both as a matter of policy and of conscience, that they might exhibit the power of religion, and deprive their adversaries of any occasion to reproach the gospel.

Having thus set forth, as briefly as possible, our duty in the circumstances supposed, a word or two may be allowed with reference to the exceptions to which allusion was made. I know not as any exceptions should be conceded in the case of individuals merely. It appears to me that *as such* they are bound by the rule which has been laid down. But where the government is so conducted as to oppress the whole community by the subversion of their fundamental rights; where no peaceful remonstrance and opposi-

tion is of avail or can be relied on; where, in short, the government wholly or chiefly neglects the end for which it was ordained of God and established by the people, and becomes the enemy and destroyer of the very interests which it was intended to preserve and promote; then it is the right and duty of the people, *as a community or nation*, to rise in arms, to repel force by force, and to change the rulers, alter the form of government, or enforce a modification of law, as they shall see needful. In order, however, to make the movement legitimate, even in such an extremity, there must be some reasonable prospect of success to warrant the undertaking; since it were both unwise and wrong to waste treasure and blood, and to incur all the terrible evils of civil war, without a rational expectation of commensurate good. There must be something more than the fierce expression of rage and despair; even a hope of establishing a just and competent government. This is what has been termed the right of revolution, and was exercised by our own forefathers. It is not condemned by the passages cited from the New Testament; for they were addressed to individuals in their private capacity, in which, as we have seen, submission is the proper course. Besides, even those injunctions of obedience seem to be based, to some extent, on the supposition that the government is exercising its just powers for right ends. Notice the reasoning of Paul. When urging subjection to rulers, he says, "*For* rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid

of the power? do that which is good, and thou shalt have praise of the same; for he is the minister of God to thee for good." Now suppose that all this is reversed as a matter of fact; that the ruler becomes a terror to good works instead of evil; that by the practice of right blame is secured instead of praise; and that instead of being the minister of God to us for good, the ruler proves to be the minister of the devil for evil. How can the argument of the apostle apply? In no way; for the very premises on which it rests are swept away. So also Peter bases his command of obedience to governors on the fact that they are sent "for the punishment of evil-doers, and for the praise of them that do well." But if evil-doers are rewarded, and the well-doers are punished, what becomes of the conclusion? It is evident that when the whole character of the government is thus changed, and it has become apostate to duty and profession, it is proper for *the community or nation*, as a body, in whom alone there can be the means of success, to modify or overthrow it and establish another. Let us now attend to the last proposition, which claims our careful scrutiny.

III. *When the government requires us to do wrong, it must be disobeyed.* This I affirm explicitly and without qualification, under a solemn sense of duty to God and the souls of my readers. The case now supposed is entirely different from that considered under the last proposition. That was where we were required to *suffer* wrong; this is, where we are required

to *do* wrong. The distinction between them is precisely that between Stephen as a martyr, and Saul as a persecutor. We may often voluntarily *suffer*, but may never *sin*; no matter who commands it. This is a distinction in the very nature of actions, and is carefully maintained throughout the Bible, as we shall presently see. If, then, human law commands a wicked act, the law must be *broken in its precept*, while we show our reverence for government by quietly *submitting to the penalty*. The required act may be one of commission or omission, and the one is as wrong as the other; for no government has a right to command what God has forbidden, or to forbid what God has enjoined. Nor is the case altered, whether the act relate to God or our fellow-men. It is as expressly required that we should love our neighbor as ourselves, as it is that we should love God better than ourselves. This simple statement suffices to refute the sophistry of an extract from a charge of Judge McLean, which has been extensively published in the newspapers; in which he declares that in matters between man and man, "the law, and not conscience, constitutes the rule of action;" while he admits that "no earthly power has a right to interpose between a man's conscience and his Maker: he has a right, an inalienable and absolute right, to worship God according to the dictates of his own conscience: for this he alone must answer, and he is entirely free from all human restraint to think and act for himself." Does the venerable judge imagine that religion consists of

nothing but *worship*? that God requires no acts of benevolence to our fellow-men? that law must not interfere with one-half of the decalogue, but has a perfect right to trample on the other half? It cannot be; and yet such is the substance of his argument. The world may applaud the sophism; but how intelligent Christians can do it, passes my poor comprehension.

It seems to be the theory of many, that national and state laws, and especially the articles of the Federal Constitution, are the supreme rule of conduct for all who dwell in the land, notwithstanding any conflict which may exist between them and the law of God as contained in the Scriptures. They claim that our duty is to obey the law, *whatever it may be*, until it is repealed leaving the responsibility of its rightfulness between the government and God. Alas! it is not so easy to throw off responsibility upon the government. God deals with us individually, and not in masses or organically. He has placed the Bible in my hands, and commanded me to take it as my sole guide in *all* the relations of life; and he has done the same with each of you. When we stand at his judgment bar, he will not say, "United States Government, come forth and answer for your deeds! Federal Constitution, appear and be judged for your character!" There would be nobody to respond, if such a call should be made. God deals with nations and governments in this world, by providential events. In eternity, he will deal with individuals, and call upon you and me to stand forth for judgment. Before him will lie the



volume by which we must be tried. And what will it be? The Revised Statutes of Connecticut? the acts of Congress? or the National Constitution? No; no: but *God's* statute-book—the Bible. Said Christ, “He that rejecteth *me* and receiveth not *my words*, hath one that judgeth him: *the word that I have spoken, the same shall judge him at the last day.*”

Where has God declared in the Scriptures, that he has constituted human enactments the highest law for man on earth? Does he not style himself the “King of kings, and the Lord of lords” on purpose that it might be understood that he is supreme? Does he not declare that rulers are his ministers for the express purpose of carrying out *his* law in the punishment of crime and the reward of virtue; so that they belie their office when they venture to enact that which is wrong? The Savior has clearly intimated that Cæsar’s claims are not to be allowed to conflict with those of God. “Render, therefore, unto Cæsar the things which are Cæsar’s; [all the honor and obedience which are his legitimate due;] and [as a matter of no less consequence, not to be subverted by the former] unto God the things that are God’s.” It would indeed be a strange doctrine, that God has resigned his throne to civil rulers, and instructed us that his law should always give place to that of men, who are often both ignorant and wicked. In such case, our Bibles are superfluous, and may as well be burned; for the whole of revelation might be summed up in the short precept, Obey your rulers in all things.

The truth is simply this: There are three institutions which God has ordained—the family, the church, and the state. The Bible is the statute-book to guide us in our relations to *each* of these. While the child is commanded to obey his parents in the most emphatic terms—“in all things,” as Paul once expresses it yet in another place the limitation is added, “in the Lord,” to show that parental authority was not binding when it ran counter to the divine commands. So also Christians are told to reverence ecclesiastical authority, and to “obey them that have the rule over them,” or the proper officers of the church; but we all hold as Protestants, that they are under no obligation to obey the church or its officers against their conscience; and this is the scriptural doctrine, making every man responsible for his individual conduct to God, under the guidance of the Bible. The same truth must hold equally in the state. We are to obey magistrates, or as Peter expresses it, “submit ourselves to every ordinance of man” in all cases, except when they require us to do that which is forbidden by the law of God. Then we must obey God at all hazards, statute-books and constitutions to the contrary notwithstanding. That this may be still more evident, let me suggest several brief but important considerations.

1. Such laws not only assail God, but require *us* to do the same. A law which simply *oppresses* me, assails God, because it is contrary to his requirements; but it does not call on *me* to do any thing which is wrong; and therefore I may comply with it in a spirit

of self-sacrifice, as explained in a former part of this discussion. When, however, the law requires me *to do a wicked act*, it seeks to place me, as well as itself, in opposition to God. I become, by compliance, a participator in the sin, and am involved in the consequent guilt. Where I have the means of judging, I am bound to know the nature of the deed required of me, and to decide accordingly. If I would preserve my soul unspotted, I must refuse to have any thing to do with violations of God's law.

2. The principle of obedience to such laws involves a positive contradiction. We are told that it is our solemn duty to obey the law, that God requires it in the Bible; and yet the law commands a thing which God has forbidden, or interdicts what God has enjoined! Thus intelligent Christian men are called upon to believe that God directs them to disobey himself! that he makes his law our rule of conduct, and yet does not impose it, but refers us to the antagonistic precepts of civil rulers! that he claims to be omniscient, all-wise, and perfectly holy, and has established a law which he knows to be the wisest, the best, and the only right one, and yet makes it our duty to be guided not by it, but by the law which emanates from human ignorance and sin, in opposition to his own! Credit this, who can.

3. The principle of obedience to such laws saps the foundation of all morality and religion. If human authority can subvert or override the divine in one case, it can in another. If we are bound by a consti-

tution or statute to violate one command of the decalogue, we might be similarly bound to violate a second, and a third, or the entire ten. If the government must be obeyed when it forbids a deed of mercy which God enjoins, then it must also be obeyed when it commands a deed of violence and wrong which God prohibits. If it must be recognised as the supreme authority in our relations to our fellow-men, so must it also in our relations to God; for the decalogue covers both, and there is as much right for suspending one part as the other. Thus the liberty of conscience is destroyed, and both morality and religion are made the sport of legislative caprice. If the people or their rulers are wicked enough to require us, by constitution or statute, to steal, to commit adultery, to murder, to blaspheme, or to worship idols, we must forthwith comply! It is of no avail to plead that we are not required to do such things and are not likely to be; the principle which covers these cases is involved, if it be maintained that we are bound by law to do any wrong act, in the way of commission or omission. Such things have been required by law in past ages, and might consistently be enjoined again, if human law is above conscience and the word of God. It is useless to talk any longer of right and wrong; we should merely speak of what is legal and illegal.

4. The doctrine of unqualified obedience is suicidal to the conception of all law, human and divine. Many appear never to have reflected upon the true basis of law and government. They conceive of them as found-

ed upon mere will and power, both in God and man. But this is a most serious mistake. No being, however great, has a right to command any thing irrespective of its nature. We cannot conceive of God as having a right to enjoin hatred instead of love, or falsehood instead of truth. Law in all worlds is founded on the eternal and necessary distinction between right and wrong, and is simply a declaration and enforcement, on the part of the proper authority, of what is in the nature of things reasonable and right. Hence, if God should proclaim a command to hate and to lie, it would not be binding upon the conscience; it would be, in fact, no law. God has instituted human government as a part of his own to prevent wrong; and no acts are or can be valid, which are contrary to this. Take away the idea that law is to be the representative of eternal right and justice, and declare it to be the representative of mere will and power, and it is stripped of all majesty and legitimate authority. Pages might be quoted from the most distinguished writers on law to corroborate this view, but there is space for only one or two brief citations. Says Fortescue, "All laws derive their force from the law of nature; and those which do not, are accounted as no law." Blackstone says of this natural and eternal law of right, that "it being coeval with mankind, and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity, if contrary

to this." Says the same high authority, taking murder as a strong case to show the principles involved, "If any human law should allow or enjoin us to commit it, we are bound to transgress that human law." It is on this ground that the Declaration of Independence asserts that certain rights are "unalienable," which they could not be, if human constitutions and statutes, of whatever character, are of supreme authority, and binding on the conscience. The only doctrine that lays a basis for law is that which I advocate. To suppose that a person may do as a citizen, in opposition to the divine law, what it is conceded would be wicked for him to do as a man, is to fall into the difficulty of the profane bishop, who was also a noble, and who, being rebuked by a peasant for his profanity, replied that he did not swear as a bishop, but as a nobleman: to whom the peasant proposed the puzzling inquiry, When God damns the nobleman, what will become of the bishop? Thus, we might ask those who think that a citizen must do, in obedience to human law, what God has forbidden and what eternal right condemns, When God punishes the *man*, what will become of the *citizen*? It appears, then, that the only course by which to honor and strengthen law, is the one which I have pointed out—to render cheerful obedience to government in the exercise of its legitimate functions; to bear patiently with its follies and personal oppressions, submitting to inconvenience and suffering rather than to offer resistance; and to disobey it when it requires us to

do wrong, treating its *precepts* as of no force, but enduring quietly its *penalties*, and leaving our justification to time and to God. Thus it will be perceived that we hold the true idea of law sacred, while we trample only on its counterfeit.

5. It is proper that I should add under this proposition, as under the others, that such was the course pursued by the holy men of whom we read in Scripture and in secular history. They uniformly refused compliance with those edicts of human government which conflicted with the requirements of God. Ahab and Jezebel were the sovereigns of Israel. They issued a command that all the prophets of Jehovah should be slain; but Obadiah, so far from aiding in the wicked work, secreted a hundred of them in a cave, and fed them till the danger was past or they could escape to distant parts. Nebuchadnezzar, the king of Babylon, made a decree that every man should worship the golden image which he had erected, under penalty of being cast into a fiery furnace for disobedience. Shadrach, Meshach, and Abednego, refused to comply with the mandate, and submitted to be cast into the furnace, where God wrought a miracle for their deliverance, to attest his approbation of their conduct and to recommend their example to others. Darius, the king, in company with his council, being the supreme authority, made a law in the usual form, that no one should offer a prayer for thirty days to any being but himself. Daniel deliberately violated it, as a wicked enactment,

and then unresistingly allowed himself to be cast into the den of lions, which was the prescribed punishment. Here, again, God testified his approval by a miracle, and rescued him from death. The Sanhedrim, which was the Jewish congress, made a law that no man should preach the gospel, and having called the apostles before them, "commanded them not to speak at all, nor teach in the name of Jesus." What did the apostles reply? Did they say, We are sorry you have made such law, but since it is so, as we are law-abiding citizens, and have a great reverence for your wisdom, we will observe it? Not they. They replied, "Whether it be right in the sight of God to hearken unto you more than unto God, judge ye; for we cannot but speak the things which we have seen and heard." They violated the law publicly and continually, bearing their sufferings patiently and without resistance when they were beaten and imprisoned, and, after they were released, repeated their disobedience. When Paul preached in Damascus after his conversion, orders were issued by the governor to arrest him, and all the marshals and constables of the city were on the watch to seize the apostle; but the Christians, instead of betraying and delivering up the fugitive, aided his escape, and let him down over the wall by night in a basket.—See also Acts, 18 : 13. The Roman emperors made laws commanding the primitive Christians to worship their statues and the images of heathen deities, and to commit other wrong acts; which they utterly refused to do;



but still, when peaceful escape was impossible, allowed themselves to be scourged, fined, imprisoned, and put to death without resistance. So also in later times, Protestants steadily disobeyed the edicts of Romish governments which commanded them to disobey God, and then yielded themselves to suffering and death. Numerous were the laws which the Puritans disregarded in England as interfering with the requirements of God, and one of the questions which was most warmly discussed between them and their opponents, was, as to the duty of obeying the government in all things. Down to this day the Quakers in Great Britain refuse to pay military taxes, believing that war is in all cases wrong, and also taxes for the support of the established church from which they conscientiously dissent; and they allow their goods to be seized and sold at public auction by the legal officers in consequence. But I need not particularize further. History abounds in illustrations proving that the doctrine which I have set forth has been that of godly men from the beginning.

If it be finally objected, that this view takes away a uniform rule of conduct, throws every man upon his own conscience, and tends to discord and conflict; I reply, that this is the very objection which Papists bring against the kindred doctrine in religion of the right of private judgment. There may be incidental evils, but they are unspeakably less than those which attach to the opposite view. Where there is mind,

there must be freedom, and freedom will of course occasion differences of opinion; but on the plan suggested, there will be neither violence nor anarchy. If nations will make wicked laws, and endeavor to impose them upon men in whom God has placed a conscience and to whom he has given a Bible, they must expect collision. 'n proportion as constitutions and laws are conformed to right, there will be less and less occasion for disobedience. It is to be granted, however, that we should be very cautious in deciding that a law is contrary to the Word of God, inasmuch as important consequences flow from the position which we assume. The case ought to be clear and unequivocal. Happily, our venerated Constitution can be said to violate our conscience in but a single exception, at most, and even there it is very doubtful if any action is required of private citizens. In conclusion, suffer three practical remarks:

1. It is well to understand what is implied in an oath to support the constitution. It undoubtedly pledges you to comply with its provisions *in all your action under it*, it being assumed in such action, that you consider it as harmonizing with the law of God; for it would be a horrible impiety, as well as a glaring inconsistency, to swear in the name of God and with an appeal to him for his judgments in case of deviation, that you will do what you know that he forbids. If you believe that the Constitution is at war with God, then you must refuse to act under the provisions which are

contradictory to his will. The utmost that good faith allows to one who is conscientiously opposed to the "duties" required by one or more of its provisions, is, to take the oath of allegiance, with the distinct understanding, that *if you act at all* under it, it will be in compliance with it; but that you intend, in case action should be called for in connection with the unrighteous part, to resign your place rather than comply. You cannot retain your place in office under it, and yet refuse at the same time to fulfil your oath. To be true to God does not require that you should be false to men. Let your oaths and acts go together, both being omitted, or, if conscience permits, both being assumed.

2. My readers will be able, in view of the principles laid down, to decide what God calls upon them to do with reference to the recent Act of Congress respecting the delivery of fugitive slaves—an act designed to "settle" a great moral agitation; (or in other words, to roll back the events of Providence and to defeat the divine purposes;) but which has done more to increase it than anything which has occurred for many years. Happily for the consciences of all parties at the North, whatever may be their opinions about slavery, and of both sides in the discussion of the subject of this discourse, the new act is as *unconstitutional*\* as it is

\* Many of the best lawyers in the country have declared that it violates the Constitution in several important particulars, particularly in conferring judicial power on commissioners, in denying a trial by jury, and in suspending the habeas corpus. It is safe then to ignore it.

wicked; it as clearly opposes the fundamental law of the land, as it does that of God: though were the former fact otherwise, the direction of duty would be the same. After our full consideration of the general principles involved, it will be needless to do more than state, without argument, the course which should be pursued with reference to this specific law. (1) Offer to it no violent resistance: make no attempt to defend or rescue the alleged fugitive by physical *force*. (2) Render it no aid, lest you participate in the iniquity: if you are called upon by the marshal to assist in the apprehension or detention of the slave, lift not a finger, stir not a foot. (3) If possible, aid the victim in a quiet and peaceable escape, as Obadiah did the prophets, and as the disciples in Damascus did Paul. (4) Take legal measures to have the constitutionality of the act tested before a judicial tribunal, by securing the issue of a suit of habeas corpus. (5) Labor incessantly by voice, pen, press, and vote, for its speedy repeal. (6) Submit unresistingly to any penalties which may be laid upon you for such obedience to God. Act thus, and let God take care of the consequences. Be like the "honest man" portrayed by Bishop Hall, "whose conscience overrules his providence (worldly prudence), so as in all things, good or ill, he respects the nature of the actions, not the sequel: if he see what he must do, let God see what shall follow."

3. Finally, in all your civil relations, strive to honor God and to promote truth and right. Remember that

human government, even in the happy and prosperous form of our American Union, is a means and not an end; that the end is the promotion of industry, intelligence, and virtue, by the defence of the rights and happiness of all without partiality, which is the true idea of democracy; and that the end is unspeakably more valuable than the means, and must be preserved at all hazards, though the particular means should fail and perish. Let your views be expansive and comprehensive, your principles scriptural and inflexible, and your conduct such as will endure the scrutiny of the last day. While you are careful to "render unto Cæsar the things which are Cæsar's," see to it, as you value your interests for time and eternity, that you do not fail likewise, to "render unto God the things that are God's."

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As the object of the preceding essay was to settle principles rather than to discuss existing facts, but a small space was devoted to the consideration of the law recently enacted by Congress for the capture of fugitive slaves. To supply that deficiency in part, a portion of three articles is annexed, written by the author as editorials in the columns of the N. E. Religious Herald, published at Hartford, Ct.

### THE FUGITIVE SLAVE LAW.

Do our readers understand the depth of infamy to which their national legislators descended during the late session of Congress? Are they aware that Congress not only surrendered to Texas thousands of

square miles to which she had not the shadow of a just title, paying *besides* ten millions of dollars for not conceding a still larger territory; not only organized New Mexico and Utah without any protection against slavery, and declared that they should hereafter be admitted as free or *slave* states, as they might choose; but also enacted a new and stringent law to aid the recapture of fugitives from slavery? Have they read the provisions of the bill, which are enough to make a freeman's blood boil within him? If not, we intend to furnish a statement of its substance, and then to free our minds upon the whole subject, as an American and a Christian of right may do.

The bill contains ten sections, of which the first four relate to the appointment and action of United States Commissioners, who shall take cognizance of such cases, and who are to be designated by certain courts in sufficient number "to afford reasonable facilities to reclaim fugitives from labor."—The fifth section makes it the duty of all marshals and deputy marshals to execute all warrants issued in pursuance of this bill, under a penalty of *one thousand dollars* for refusal, and a *like penalty* in case the fugitive escape while in his custody, "whether with or without the assent of such marshal or his deputy?" It is furthermore provided, that the persons appointed to execute the process, shall, in case of an attempt to resist, "summon and call to their aid the bystanders or *posse comitatus* of the proper county." The sixth section describes the way in which the case is to be

brought before the commissioner by affidavit or otherwise, who shall "hear and determine the case of such claimant in a summary manner," and shall deliver the identified fugitive to his master in legal form; it being provided that "in no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence!" The seventh section crowns the climax of sin, by declaring that whoever hinders the arrest of a fugitive, attempts a rescue, or assists in his escape from the claimant, after notice of the facts, "shall be subject to a fine not exceeding a thousand dollars and imprisonment not exceeding six months," and *in addition*, shall forfeit and pay a thousand dollars to the owner of the slave so lost! Section eight prescribes the pay (the devil must have his due and can't afford to work for nothing, and sinful work ought to be paid well, to make up for the wear and tear of conscience and for incidentals in the next world,) which commissioners, and other officers, and agents shall have; wherein it is provided that the commissioner shall have *ten* dollars if he decides against the fugitive, and but *five* if he decides in his favor! Section nine authorizes the employment of a sufficient number of persons to prevent a rescue, should one be feared. The tenth and last section provides for the taking a legal description, &c., of the person claimed, in the State from which he escapes, to be used as conclusive evidence in the place where he may be arrested.

And this is a specimen of legislation in the nineteenth century, not by the Czar of Russia, not by the

Sultan of Turkey, not by the Bey of Tunis, not by the assembled chiefs of the Fejee Islands, but by the Congress of the United States of America, sitting at Washington! Let not this law be falsely described in succeeding history as the work of a Mohammedan, heathen, or even Romish body; for it was the act of a professedly Christian and Protestant Congress, participated in by the descendants of Puritans, and done after due prayer by the official chaplains! It is enough to reanimate the dust of old Isaiah, that stern reprover of wrong, and to make him once more lift up his voice in the words that rang in the ears of ancient oppressors, "Woe unto them that decree unrighteous decrees, and that write grievousness which they have prescribed; to turn aside the needy from judgment, and to take away the right from the poor of my people." How shall we hold up our head before the nations of Europe; we, the hypocritical advocates of *freedom*? A few months since we were applauding Turkey for refusing to deliver up the fugitive Hungarians to the tender mercies of Austria and Russia; and now our Congress enacts, and the President from the free North coincides, that the panting slave shall be seized on the way to freedom, and surrendered to his enraged master! What a popular man Haynau would be in this country! How our President, with the Cabinet and the two houses of Congress, would haste to honor the oppressor of Hungary, whom even London has vomited out! How the woman-whippers at the South would grasp by the



hand the Austrian butcher, who scourged the Hungarian females in the streets of Pesth! Who is not proud of being an American; of dwelling in a land where men are bought and sold like swine in the pens, and where the Christian who ventures to aid the fugitive from bondage is fined two thousand dollars and imprisoned six months?

But the Constitution requires such a law, and, however we may regret it, nothing remains but to carry out its provisions—this is the defence set up by the Northern apologists for the act. In reply we might allege many things. In the language of Mr. Seward, “There is a law higher than the Constitution.” What is the Constitution, that it should be set up as the defence of wrong? Should it require idolatry as one of its “compromises,” does it follow that we must break the second commandment? And why not the second as well as the eighth, or as well as the spirit which pervades the whole? If the Constitution could not make it obligatory to worship idols, to profane the divine name, to break the Sabbath, or to commit adultery, how can it render us guiltless if we break any other part of the divine law? Has God made a distinction in his precepts, allowing some to be set aside, but requiring others to be kept at all hazards?—Who will dare assert it, or who will venture to claim that human governments have the power to legislate God’s law out of force?—We read in the Bible, “Thou shalt not deliver unto his master the servant who is escaped unto thee; he shall dwell with thee

even among you, in that place which he shall choose, in one of thy gates, where it liketh him best: thou shalt not oppress him." In the face of this precept, which in its whole spirit is applicable to such cases as we are considering, suppose the Constitution does require us to surrender the fugitive slave; let us obey God rather than man. Let us as individuals refuse to aid in the recapture or restoration of the bondman, and risk the consequences, "taking joyfully the spoiling of our goods, knowing in ourselves that we have in heaven a better and an enduring substance." We are commanded to "remember them who are in bonds *as bound with them*," on the principle of doing to others as we would have them do to us. Let us place ourselves in the condition of the poor fugitive. Let us imagine that we were flying from bondage; from a condition in which we were worked without wages our lifelong, were denied a crumb of knowledge, and were outraged in all our feelings and rights as husband, father, man, and Christian. What should we think of the humanity and religion of those who should seize us and send us back to our living death? Oh, how agonizingly we should implore mercy, and what "a covenant with death and an agreement with hell," in that particular, should we regard the Constitution and the enactments under it, which denied us liberty and all else that men count dear! How would you reason, reader, if your own freedom, or that of your wife or child, was at stake? Act, then, for the slave as you would wish others to

act for you. What does the parable of the Good Samaritan teach? Is the fugitive slave our "neighbor?" Has he emphatically "fallen among thieves," and does he now appeal to us for aid? Then let the words of him who said "Go, and do thou likewise," sound louder in our ears than any opposing human enactments, and speed us to the deliverance of the oppressed.

"Angels, in your starry height,  
Having worlds of worlds in view;  
Spirits in the world of light!  
How appears such law to you!  
Prudence, in this world of ours,  
Recommends a heart of ice:  
Say, ye loving, heavenly powers,  
Is she virtue? is she vice?

"Going down to Jericho,  
From the sufferer shall we draw,  
Lest, in aiding, we should go  
Counter to the Levite law?  
Shall we take the coward plan,  
Never acting as we feel;  
Helping ne'er a plunder'd man,  
Lest the law should say, '*You steal!*'"

"Heavenly powers, if it be true,  
Help us kindly to belief,  
That to give the robbed his due,  
Is but stealing from the thief:  
Tell us, if the truth be so,  
That Samaritans now ride,  
Going down to Jericho,  
On the priest and Levite side!"

But here we may well ask, Whether the North alone is to be held by the Constitution? The South have violated it a thousand times in order to propagate slavery; as for instance, in overriding the treaty-making power of the Senate in the admission of Texas. To-day, in nearly every Southern state, the first paragraph of the second section of Article IV., declaring that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states," is a dead letter, and colored citizens from the North are imprisoned if setting foot within the state; while *forcible* measures are used to prevent any appeal being taken to the Supreme Court! We ask again whether slaveholders are to violate the Constitution at will, while the North are to be bound to its last letter? The outrageous conduct of the South in violating the contract, has long since freed the North from any obligations on *that* point.

But we contend that the Constitution does not require *such* a law as has just been passed, but on the contrary in several respects forbids it. Two articles were plainly intended to give the right of jury-trial in every case of importance. This act denies it to the fugitive, in the case of all others most demanding it. Another article declares that the *habeas corpus* writ shall not be suspended except in time of rebellion and invasion. This act expressly forbids its application to the fugitive. The article under which fugitives are claimed does not require the North to lift a finger to seize the fugitive or aid the master, but simply allows

the master to capture him. This act requires us to become active cöoperators in the base work. Congress had no right to pass such a bill, and the President should have immediately vetoed it. Its passage was owing to the miserably immoral compromise-spirit which prevailed with the President, the Cabinet, and Congress; by which the rights of the North and the interests of freedom were sold out for the admission of California, and for a transitory, false and hollow peace.

Let the demand go forth in indignant tones from the whole North for the repeal of this infamous act, and in the meanwhile let it be counted a dead letter. Already several fugitives have been sent back under its provisions, and the poor colored men are fleeing for their lives in all parts of the country. Those who have dwelt for years in our midst, are forced to hide and escape like criminals, though men of worth and piety. It sends the blood coursing like fire through our veins to see such scenes in this land of freedom. We own no allegiance to such a law, and whoever else may regard it, *we* shall treat it as a nullity as far as possible. Men of New England, it is time that the slaveholder was made to know that this is no hunting-ground for him—that we shall tolerate no blood-hounds, human or canine, on this free soil. If the attempt is made to enforce the provisions of this bill, it will lead to bloodshed in some parts of our land; but we hope that such a unanimous feeling of indignation will be exhibited by the North, as will suffice to shame the oppressor from the pursuit of his victim.

## THE FUGITIVE LAW AGAIN.

LAST week we gave a summary of the barbarous law which our Christian and republican Congress have just enacted for the capture of fugitive slaves, and expressed our sentiments with reference to its constitutionality, and especially with regard to its morality. That this particular law is unconstitutional, appears clearly from its denial of the privilege of the writ of habeas corpus, from its subversion of the right of trial by jury, and from its conferring judicial authority upon persons not recognised as clothed with such power by the Constitution. That *any* law requiring the surrender of the fugitive is immoral and wrong, and therefore not to be obeyed, is evident from the specific requirements of the Bible to the contrary, from its contrariety to the compassion and benevolence every where enjoined in the Scriptures, from its odiousness to the natural sympathies of every freeman, and from the fact that as a nation we refuse to surrender those who flee from the oppression of the old world.

There are several minor points, however, to which we did not draw particular attention last week, which ought not to be passed over in silence. We desire our readers to reflect upon the atrocious provisions which we shall name, and which are among the mere incidentals of the bill. It is provided that the most interested testimony shall be received *against* the person claimed as a slave, while his own testimony shall be utterly excluded! Could ranker injustice be pre-

scribed? A man claims a negro as having been his slave. If he can obtain a decision in favor of his claim, it will be a thousand dollars in his pocket. He is allowed to come in and assert his ownership, and to bring his sons, his paid agents, and other equally interested persons, as corroborative witnesses. On the other hand, the man whose liberty is at stake must remain silent! Not the simplest statement of fact may issue from his lips! Is this equal and impartial justice, or cruel and proscriptive oppression?

But this is not enough to satisfy our Christian legislators. After providing for such an amount of *ex parte* testimony as almost necessarily decides the case against the negro, to "make assurance doubly sure," and to leave no possible chance for his escape, they proceed to bribe the judge! This charge has a harsh sound, but our readers shall pronounce their own verdict when they learn the facts. The law declares that if the commissioner decides in favor of the negro, he shall have *five* dollars for his trouble; but if he decides in favor of the claimant, he shall have *ten* dollars! What shall we call such a provision, which makes a direct offer of five dollars to the commissioner to induce him to favor the pretended master? The English language does not possess terms of condemnation sufficiently emphatic, and we leave the fact to speak for itself, and to announce its own blackness.

Another item is, that the expenses incurred in capturing a fugitive are to be paid out of the treasury of

the United States!\* Can any mortal tell why this peculiar privilege is conferred upon slave property? If a man loses his horse, he may search after him and catch him at his own expense; but if he loses his slave, the government pays the bills. Verily, slavery is a "peculiar institution," and we have very peculiar legislators. Northerners have to endure the odium of belonging to a slaveholding nation, are forced to accommodate slavery in all their legislation and in the distribution of the offices, are dragged into unjust and expensive wars at the dictation of the same power, are required to stand still and see the Constitution violated whenever it pleases their Southern masters, are turned into hunters of flying men and women, and are then coolly compelled to pay the cost! Oh patient, long-suffering race! Let us hasten to take our proper place in natural history with the class called by the naturalists *pachy-dermata*, i. e., *thick-skinned*; or let us with our long-eared brother of old, meekly reply, when our chivalrous rider smites us, "Are we not thine ass upon which thou hast ridden ever since we were thine!"

We know that at the North we have many who are very conservative. God help them, but it is a singular fancy to be conservative of insults. They probably store away in their cabinets, among their most precious treasures, the boot which on some memorable occasion has kicked them out of a house.

\* The recent case in New York city cost the nation *seventy-one dollars*.



They are as conservative as the whipped spaniel which licks the hand that struck it. What is it to them that slaveholders compel them to serve in the most menial offices, and to do work which ignores God and conscience? They will stand by their Southern brethren and the glorious Union, and oppose all fanatics; for did Herod and Pilate ever fail to be friends when there was a Jesus to crucify? For ourselves, we are *radically* opposed to meanness and sin.

And this is a part of the system of measures by which our modern Solons thought to "settle" the slavery question! Why, it is a fire-brand thrown into the magazine. If there is any one point in the whole range of anti-slavery truth, on which the North approaches unanimity, it is the right of the fugitive slave to his hard-earned liberty; and many of the slaveholders are more than half of our opinion. Said one of them to a friend of ours in New York city, a few years since, "If I thought I had a slave on my plantation who *wouldn't* run away when he had the chance, I'd flog him." We see through the North the poor fugitives starting for Canada, to find under a monarchy the rights denied by a republic. Our neighbors, our fellow-citizens, our brother Christians, men who have dwelt near us for years, honored for their industry and loved for their piety, are fleeing as for their lives, or are passing through our streets armed with the deadly revolver. Already one man, respected by all who knew him, and a member of the Methodist church, has been seized in New York city,

and without opportunity to bid farewell to his wife and children, was hurried away to Baltimore to what would have been hopeless bondage, had not his friends ransomed him at the expense of eight hundred dollars. And it is expected that these things will "*settle*" the slavery agitation! As well expect the fierce winds to calm the agitated ocean. We warn the South that the freemen of the North disown the miserable compromise of their treacherous representatives, and that if this atrocious law be pressed, there will be none but abolitionists this side of Mason and Dixon's line. The work of conversion to anti-slavery principles and measures is fast going on—a few more auxiliaries will complete it for ever.—Think not, above all, that NEW ENGLAND will tamely submit to become a hunting-ground for the slaveholder.

" Oh, no ; methinks from all her wild, green mountains—  
From valleys where her slumbering fathers lie—  
From her blue rivers and her welling fountains,  
And clear, cold sky—

" From her rough coast, and isles, which hungry Ocean  
Gnaws with his surges—from the fisher's skiff,  
With white sail swaying to the billows' motion  
Round rock and cliff—

" From the free fireside of her unbought farmer—  
From her free laborer at his loom and wheel—  
From the brown smith-shop, where, beneath the hammer,  
Rings the red steel—

“From each and all, if God hath not forsaken  
Our land, and left us to an evil choice,  
Loud as the summer thunderbolt shall waken

A PEOPLE'S VOICE!

“Startling and stern! the northern winds shall bear it  
Over Potomac's to St. Mary's wave;  
And buried Freedom shall awake to hear it  
Within her grave.”

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### THE HABEAS CORPUS.

DOES the recent fugitive act impugn the Constitution with respect to the habeas corpus? The opinion of Mr. Crittenden, the Attorney-General, has been considered as establishing the negative. We object to such a view, 1. Because the opinion of an attorney-general is not an authoritative exposition like that of the Supreme Court, but may be and is disputed on various points every day. 2. Because equally good lawyers have decided the other way. 3. Because Mr. C. is of the opposite school to strict constructionists and of the genuine Federal tendency, and could hardly be brought to believe that an act of Congress could be unconstitutional. 4. Because Mr. C. is in favor of the compromise of which this law was a part, and is not therefore an impartial judge. His opinion as a member of the present Cabinet is really worth less than if he were not the Attorney-

General. 5. Because he is a slaveholder, and therefore directly interested in maintaining the law; and especially, 6. Because his reasons are no reasons. He says that the bill does not mention the habeas corpus. Certainly not. Would the framers be such fools as to suspend the writ by name? Who ever knew an article of the Constitution violated avowedly? His next argument is, that the bill does not suspend it, because the Constitution forbids suspension! Was ever such reasoning heard before? He assumes the very point to be proved, by declaring it impossible; as though Congress had never passed and never could pass an unconstitutional act. A thief might as well plead that he had not stolen because the law forbids theft. The third and last reason of Mr. C. is merely an *assertion* that the provisions of the bill do not interfere with the habeas corpus, which he undertakes to sustain by arguing quite a different point, and showing that the habeas corpus could not *discharge* a fugitive! That may be true, but what has it to do with the question whether the law permits the writ to be used for any purpose in such a case?

And now for our reasons for believing that the law does suspend the writ of habeas corpus. 1. Its *language* is clear. The certificate given to the claimant "shall prevent *all molestation* of said person or persons by *any process* issued by any court, judge, magistrate, or other person whomsoever." The defenders of the law have never pretended to show what other process is referred to but the habeas corpus. None other is

possible or could have been meant. The law then says, that the habeas corpus when issued shall not be allowed to "*molest*" the claimant. Does "*molest*" mean *merely* to discharge the fugitive? That would be a narrow signification of the word. It means to trouble, hinder, delay, or impede the claimant—just what the habeas corpus would assuredly do, as all confess. The bill did not simply mean, (for it does not say so,) that the habeas corpus may indeed be served and must be heeded, but that it shall have no power to discharge the fugitive when the case comes to be examined. No one claims, under ordinary views of the Constitution, that the writ could do any thing more than to inquire whether the man was held under any law.

2. This is yet more evident when we notice for *what* this clause was *substituted*. The original bill on this subject, on which the present one was based, was introduced by Mr. Butler, with amendments by Mr. Mason. It is in substance the same as the present, but in the connection now under discussion, used this language: "which certificate shall be a sufficient warrant for taking and removing such fugitive from service or labor to the State or Territory from which he or she fled." *This* allows the habeas corpus, but declares that the showing the certificate shall be sufficient to justify the claimant when the case is examined under it. If this was all that was and is desired, why were not these words retained? Why were they stricken out, and the clause *substituted* which says the certifi-

cate "shall prevent all *molestation* . . . *by any process* issued by any court," &c.? It is plain that the slaveholders made a bold attempt to crush the legal rights of the fugitives.

3. The same thing is clear from the *liabilities* otherwise pertaining to such case. If the habeas corpus can be used in the case of fugitive slaves after the claimant has received his certificate, then the master may be stopped by it in every state, if not in every county and town through which he passes; thus creating trouble, expense, and liability to lose his slave by rescue or escape. It was to guard against this, that the clause in question was inserted; that the master might not be "*molested* by any process issued by any court," &c.

4. The *actual facts* of the last ten years confirm this view. Slaveholders have been "molested" repeatedly by the issuing of the writ of habeas corpus as they were carrying back their victim, and in consequence of it have sometimes lost him. It was to prevent such occurrences in the future that this law was enacted.

Who, then, that studies the words of the law and the circumstances in which it was passed, can doubt what it meant? It meant to deny *the slave* the benefit of the habeas corpus, it being supposed that the country would endure the denial of the right to the black man, he being an exception to all constitutional provisions!

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